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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,250	05/31/2000	Tetsujiro Kondo	450100-02561	2838
20999	7590	12/23/2004	EXAMINER DESIRE, GREGORY M	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ART UNIT 2625	PAPER NUMBER

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/583,250

**Applicant(s)**

KONDO ET AL.

**Examiner**

Gregory M. Desire

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 17 and 19 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This action is responsive to communication filed 6/14/04.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 6/14/04 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US 6,678,330 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Response to Arguments***

3. Applicant's arguments, see remarks page 10 lines 8-11, filed 6/14/04, with respect to the rejection(s) of claim(s) 15-16, 18 and 20 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Suzuki.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (5,742,704).

Regarding claims 15, 18 and 20 Suzuki discloses,

Variance calculation means for processing units of a predetermined number of pixels and for calculating the variance of a plurality of pixel data in a local area including each pixel data (note fig. 3 block 21 in connection with col. 4 lines 15-21, lines cite input pixels calculates a variance).

Histogram generating means for generating the histogram of the variance calculated for each pixel data, in units of predetermined number of pixels (note fig. 3 block 22 in connection with col. 4 lines 22-24, histogram is generated); and

Suzuki is silent disclosing noise amount calculation means for obtaining the amount of noise included in the pixel data according to the histogram. However, prior art in Suzuki discloses AC component judging section, which includes components such as noise (fig. 17 block 2 and col. 1 line 60 – col. 2 line 2) recognizing error for perform selected coding. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include noise amount calculation means in the system of Suzuki. Error recognition would have been desirable in the image coding art due to its judging sections and prior art recognizes recognizing error would be expected when the noise amount calculation means of prior art is included after the histogram generating means in Suzuki.

Regarding claim 16 Suzuki discloses,

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Wherein said noise-amount calculation means obtains the peak value of the histogram to calculate the value corresponding to the variance having the peak value as the amount of noise (note col. 5 lines 25-50, lines cite obtaining the single peak and double peak value of the histogram, which is similar to small ac quantity and high ac quantity for transform or block truncation whether image is photographic or text).

### ***Allowable Subject Matter***

6. Claims 1-14, 17 and 19 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
December 22, 2004



BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
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